

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.3674 OF 1985

For Approval and Signature

The Hon'ble Mr. Justice S.K. KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?

INDRAVADAN G. SHIKARI
VERSUS
THE STATE OF GUJARAT

Appearance:

None present for Petitioner
Ms.Siddhi Talati for Respondents

Coram: S.K. Keshote,J
Date of decision:15/08/97

C.A.V.JUDGMENT

#. The petitioner, a Section Officer in the Legal Department, Gandhinagar, filed this Specail Civil

Application and prayed therein for direction to the respondent to promote him to the post of Under Secretary from 14th September 1984, i.e. the date on which his juniors were promoted to the said post and to grant all consequential benefits such as arrears of salary, seniority and all other admissible allowances.

#. From the reply to Special Civil Application, it comes out that the petitioner's case of promotion to the post of Under Secretary was considered and he was not given promotion as the departmental inquiry was in contemplation against him. This action has been justified by respondent by relying on Government Resolution dated 23rd September 1981.

#. The petitioner has come up with the case in Special Civil Application that when only departmental inquiry was in contemplation, he should not have been denied promotion.

#. However, I do not consider it to be necessary, in this Special Civil Application, to go on this question as this petition has been filed in the year 1985 and none of the parties to the Special Civil Application have brought on record as to what ultimately has transpired in the contemplated departmental inquiry. The petitioner and the respondent, in such matters, are under obligation to bring on record, the subsequent events and developments which have taken place. Time and again, this Court has observed that in service matters, after a long period, many of the grievances may have come to be resolved out. In the instant case, by passing of time, there may not be any grievance and even if any grievance would have remained, then the same would have been a shrink grievance.

#. However, interest of justice will be met in case this Special Civil Application is disposed of in terms that in case any of the grievances of the petitioner regarding his promotion to the post of Under Secretary, as made out in Special Civil Application survives, then he is at liberty to file a representation to the respondent within a period of one month from the date of receipt of certified copy of this order and in case such a representation is made, the respondent shall decide the same within a period of three months next. In case the petitioner so prays, he may be given an opportunity of personal hearing also.

#. The Special Civil Application and Rule stand disposed of in aforesaid terms with no order as to costs.

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